

Chapter 26

SANITATION

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ARTICLE I. IN GENERAL**Sec. 26-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bulk container means a container of not less than 1½ cubic yards, or more than eight cubic yards capacity, of tight construction, which is so constructed as to be emptied by a self-loading truck.

Construction waste or building waste means any and all refuse or residue resulting from building construction, repairs or demolition, and shall include grading, grubbing, etc., in connection with any building or similar work on any premises, commercial and residential, or from replacement of building equipment or appliances.

Contractor means every person engaged in business who for a fixed price, commission, fee or wage, undertakes, or offers to construct, supervise, or in any way be responsible for construction, alterations or repairs to any building or structure or the carrying out of any other construction projects in the city or any part thereof. For the purposes of this chapter, the term "contractor" will not include persons engaged in providing routine yard maintenance such as cutting grass, trimming ornamental bushes and small trees (trunk diameter six inches or smaller), and pulling weeds.

Detachable container means a container of not less than ten cubic yards, nor more than 40 cubic yards which is used for collecting, storing and transporting building material, trade waste, hazardous waste, refuse and yard debris. A specially equipped truck for transporting such materials to the disposal site picks up such container.

Furniture means any discarded wood, metal or upholstered furniture, mattresses, box springs or similar items.

Garbage means waste matter from houses, kitchens, restaurants, hotels, hospitals, etc., including waste food. The term "garbage" does not include liquids that may be drained in the sanitary sewer system, or hazardous materials or hazardous waste.

Garbage container means rollout carts or other containers that are provided or approved by the city.

Hazardous substance or material means any substance or material classified as such by the South Carolina Hazardous Substances Act and/or the Rules and Regulations of the Environmental Protection Agency. In addition, hazardous substance will include, but not be limited to, oil and petroleum containers, paint cans, automobile parts, televisions, tires, flammable materials, asbestos-containing materials, lead-based painted materials, and containers of unknown contents.

Hazardous waste means paint, poison, acids, caustics, explosives, chemicals, petroleum derivatives, hot ashes or coals or highly contaminated material, such as human or animal waste, medical wastes and hypodermic needles, which would constitute a danger to collection personnel or to anyone who may come in contact with such waste.

Household means a house, duplex or apartment, but does not include apartment units of high-density developments (more than four units).

Householder means one who occupies a house, or apartment or other dwelling.

Junk means items such as, but not limited to, dilapidated furniture, small appliances, toys, bicycles, or building material.

Litter means any quantity of discarded trash, junk, refuse, garbage, or other items not properly disposed of.

Mobile home park means any property that is occupied by more than one mobile home.

Person means an individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, or other legal entity.

Property means any real property within the city.

Refuse means cold ashes, cans, dirty rags, trash, house sweepings, paper materials, bottles, and other similar materials.

Trade waste means waste material from industrial operations, commercial establishments, manufacturing, assembling, or processing operations.

Trash means rubbish, useless or unwanted waste or rejected matter.

Weeds means plants that are unwanted, useless or troublesome, that are injurious to people or to cultivated plants, or that are profusely growing and undesirable.

White goods means refrigerators, ranges, water heaters, freezers, dishwashers, trash compactors, washers, dryers, air conditioners, etc.

Yard debris means leaves, limbs, grass clippings, and similar items.

Sec. 26-2. Liability.

An owner, occupant, tenant or other person in charge of any property shall be responsible for permitting or allowing any violation of this chapter, and shall be liable for any violation or costs incurred by the city in taking corrective action, whether the failure of action is occasioned by the owner, occupant, tenant or other person in charge of such property.

Sec. 26-3. Penalties.

Violation of any section of this chapter shall be punishable by a fine of not more than \$500.00 and/or imprisonment for a term not exceeding 30 days. In addition to any fine for each offense under the provisions of this chapter, the court may also order restitution to the city for costs incurred in abating violation conditions. The court, in its discretion, may suspend all or

part of any sentence upon such conditions as it may deem just and proper, including the imposition of community service in the form of litter gathering labor or other such community services.

Sec. 26-4. Violations.

Failure to comply with any of the provisions of this chapter shall be a misdemeanor and, upon conviction, shall be punishable as provided in section 26-3. Such offenses include, but are not limited to:

- (1) Failure to properly contain loose litter, trash or garbage so as to prevent scattering by weather or animals.
- (2) Placing garbage and/or garbage containers (rollout carts, recycling bins or other similar containers) on or near the street at any time except from 7:00 p.m. on day before collection until 7:00 a.m. on the day after collection.
- (3) Using city provided trash containers and receptacles that are intended for public use only for deposition of household or commercial waste.
- (4) Burning refuse, garbage, yard debris, or trash in bulk container or in city rollout carts, or in city limits without proper approvals.
- (5) Placing garbage, trash or other materials outside of the proper containers.
- (6) Placing tires, hazardous waste, large metal objects, or white goods, inside bulk containers or rollout carts that are picked up by the city.
- (7) Defacing, removing, tipping over or disturbing garbage and trash receptacles or containers. Removing, tampering with, picking through garbage or trash set out for disposal collection.
- (8) Failing to properly separate into different piles those items that require separation as provided in this chapter.
- (9) Placing trash, yard debris or other items so as to block the street, alley, sidewalk, inlets to catchbasins and storm drains, or a mailbox.
- (10) Putting, placing or throwing litter, refuse or trash on a public street, alley, public place, property of another person, corporation or agency.
- (11) Failing to break down and securely fasten together cardboard boxes and other containers.
- (12) Driving a truck or vehicle such that the contents are blown or deposited upon the street or other public place (controlled by state law - S.C. Code 1976, § 16-11-700).
- (13) Failure to cover and secure trucks or other vehicles in such a manner as to prevent littering public or private property.
- (14) Placing garbage, refuse or trash or causing the discharge of sewage in such a manner that transmission of infectious material to humans may result.

- (15) Failure to use trash containers which are provided for deposit of waste in parking lots.
- (16) Placing hazardous substances, hazardous waste, televisions, computer monitors, microwave ovens and associated electrical products at curbside without prior permission from the public works director or his designee.

Sec. 26-5. Responsibility of owner of premises.

The owner or person in control of any private property shall at all times maintain the premises free of litter; provided that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

Secs. 26-6—26-26. Reserved.

ARTICLE II. GARBAGE AND TRASH COLLECTION

Sec. 26-27. Garbage containers required at businesses and residences.

(a) All persons occupying premises for residential purposes must use a garbage container in the form of a rollout cart supplied or approved by the city. All refuse, trash, and garbage must be kept in such container, and such garbage container shall be kept closed and covered in such a manner as will prevent access to flies and rodents or other animals. The city will provide the first rollout cart to each residence at no charge. In addition, if a commercial entity chooses to pay the city for pickup service, at rates determined by the city council, and the public works director or his designee indicates that a rollout cart is sufficient for this business, then the city will provide the first rollout cart to this commercial entity. Additional rollout carts will be provided by the city, upon written request, at a service charge designated by the public works director or his designee.

(b) Before placing the garbage in the required container, all waste material must first be placed in a plastic bag. On the designated collection day, each person occupying such premises will be responsible for tying the top of each bag securely shut for pickup by the collector. This section shall not apply to persons who have mechanically collected containers.

(c) Garbage, trash and refuse, whether at business or residential places must be placed so that the contents may not be blown about or otherwise unnecessarily scattered.

(d) All containers must be placed and maintained so that they create no nuisance and are easily accessible to the collectors. City collectors will not enter garages, porches or enclosed areas to pick up containers and/or bags. Containers must be properly positioned at pickup points to facilitate being rolled to a loading mechanism. Variances will be allowed for households that are occupied entirely by persons with proof of handicaps or disabilities.

(e) One additional plastic container no larger than 30 gallons will be allowed the householder on pickup day to handle the occasional overrun situation. All waste material must first be placed in a plastic bag and the top securely tied shut. The additional plastic container is the responsibility of the householder. Garbage placed for collection not in plastic containers will not be collected and shall be a violation of this chapter.

(f) No city provided container, placed in the public right of way and/or on other public property by the city or by city authority, shall be used by residents or business concerns for the reception of trash or garbage originating on such premises, it being distinctly understood that such containers are placed for the use of pedestrians.

(g) Collection day begins at 7:00 a.m. and ends at around 3:00 p.m. Carts must be at curbside pickup point no later than 7:00 a.m. Rollout carts shall not be placed in streets, driveways or in front of mailboxes.

(h) The city maintains ownership of the containers at all times.

(i) Stolen, damaged, or abused carts will be replaced at the property owner's or his agent's expense.

Sec. 26-28. Receptacles and collection for commercial and other business establishments.

Commercial and other business establishments shall be subject to the following requirements as to location and use of containers and receptacles:

- (1) Any commercial establishment, manufacturer, wholesale or retail business, hospital, church, clinic, school, apartment building or complex, or club may be required to use a bulk container individually or jointly, depending on quantity of refuse and garbage normally accumulated.
- (2) Any commercial establishment or retail business whose location, or volume of refuse and garbage does not, as determined by the sanitation division manager, justify economical and practical service by self-loading equipment, may be required to accept residential-type pickup service. Such service shall be subject to the requirements and provisions applicable to household garbage collection service as set forth in section 26-27.
- (3) Users of bulk containers shall construct an adequate pad on which to place the required container, in a location approved by the city, and shall maintain adequate means for access thereto.
- (4) The frequency of pickups shall be sufficient to prevent overflow.
- (5) It shall be unlawful to burn garbage, refuse, trash or other material in bulk containers or garbage containers.
- (6) It shall be unlawful to set garbage, refuse, or trash outside of containers; the city forces shall not collect such material.

- (7) It shall be unlawful to place discarded tires, hazardous waste, large metal objects, major appliances, furniture or such similar objects in or beside a bulk container. Any person, corporation or commercial establishment engaged in manufacturing, recapping, or assembling tires must arrange for removal from their premises of all discarded tires, as no city pickup service will be provided for such disposition.
- (8) Businesses shall purchase or rent bulk containers from commercial suppliers. Bulk containers shall be kept in proper operating condition by the user. The users thereof shall maintain such containers in sanitary condition and keep the lids closed at all times except when filling and emptying. Such containers that are damaged, destroyed or burned through abuse, neglect or improper use by the commercial and business establishment and apartment complexes, or other users, shall be promptly replaced.
- (9) The city shall not be responsible for the removal of garbage or trash from any business or commercial establishment or apartment complex or other establishment required to obtain a bulk container due to volume of garbage or refuse, which fails to purchase or rent such bulk container for use as required herein.
- (10) The drain hole of bulk containers shall be fitted with a wire screen to prohibit rodents from entering.

Sec. 26-29. Receptacles and collection for apartment buildings and complexes.

Apartment buildings and complexes shall be subject to the following requirements as to receptacles for garbage or refuse:

- (1) All apartment buildings and groups of buildings consisting of four or more apartment units in one building or one group of buildings are required to furnish and provide garbage containers of sufficient size that all garbage from such buildings can be mechanically handled by one weekly pickup. Where bulk containers are utilized, it shall be the joint responsibility of the person or agency responsible for the apartment building or complex. The occupants thereof, shall see that all garbage or refuse deriving therefrom, is placed in the bulk container at its specified location. Any failure to place such garbage or refuse in such bulk container, which results in littering the premises, shall be unlawful. Each day of failure to comply with this section shall constitute a separate offense.
- (2) Where apartment buildings and complexes with less than four units are receiving city garbage service, as in the case of a household, such service shall be subject to the requirements and provisions applicable to household garbage and refuse service as set forth in section 26-28.
- (3) Prior to the issuance of a building permit, all plans for apartment buildings, groups of apartment buildings or complexes consisting of four or more units will provide details on appropriate size and quantity of containers.

Sec. 26-30. Disturbing, defacing, etc.

No person, other than those under the direction of the public works director, shall within the city, remove, deface, tip over, handle or in any manner disturb any garbage container or other such receptacle, or disturb the contents of the same, or in any way disturb any garbage, trash or other waste matter placed for removal, whether in a sanitary box or not, or dispose of the same in any manner whatsoever, except by written consent of the public works director.

Sec. 26-31. Collection of trash and bundled or bulky items.

Some items of a bulky nature, which cannot be placed in plastic bags for regular garbage and refuse collection, as provided in section 26-27, will be collected by the city on a schedule determined by the public works director or his designee provided that the following conditions are met:

- (1) Household/property owners may place discarded furniture, white goods and yard debris on their premises nearest to the public street for collection; however, the city will remove only eight cubic yards per week and the cost of removal of anything more than this amount must be paid for by the property owners, landlords or agent on the basis of a fee per cubic yard as set by the city.
- (2) Yard debris shall not exceed eight feet in length and shall be placed at the roadside without time restriction. Rocks, dirt, stumps, heavy metals, concrete, building waste, hazardous waste, or any refuse from a contract or contractor's service are not permitted.
- (3) No limbs, trees, cuttings or other yard debris shall be placed curbside as a result of work done by any contractor. It shall be unlawful to place at the curb for collection as the result of contract work any construction material, dirt, rocks, hazardous waste or any material resulting from construction, remodeling, demolition or contract landscape work. Such items shall be removed and disposed of in an appropriate manner by the contractor. The removal work shall become the responsibility of the owner of the property upon failure of the contractor to remove such items and/or failure by the property owner to properly identify the contractor or other person responsible for such removal work. In the event the owner, contractor, or other person performing such work shall not remove refuse of any sort, including tree limbs, shrubbery, building materials and other like refuse from the property, sidewalk, curb, or street within a one-week period of time from placement thereon, a written notification of such failure shall be mailed to the owner and/or tenant through the United States mail giving notification that the city may elect to remove, or contract to have same removed.
- (4) Any person supplying or installing white goods or carpeting in residences or commercial establishments in the city shall remove the old items from the place of installation and dispose of the same.

- (5) White goods and yard debris shall be placed in such a way as not to block streets or sidewalks or mailboxes and shall be placed at the roadside of the property on which it was generated. Householders and property owners will be liable for placement of any items in front of their premises.

Sec. 26-32. Placement and separation of items.

(a) Yard debris, white goods, furniture and containers must be kept separate at curbside. Property owners are responsible for separation before these and similar items are placed at curbside for pickup. City employees will not separate or pick up mixed items.

(b) No items of any description shall be placed in the median of any street for collection.

(c) Leaves shall be raked to the edge of the street to be collected by leaf trucks on a schedule determined by the public works director and placed at the roadside for collection in the same manner as provided in section 26-31(2).

(d) Yard debris shall not be placed in such a manner as to block inlets to catchbasins and storm drains.

Sec. 26-33. Duty of landlords, tenants, rental agents, and storekeepers.

It shall be the duty of each landlord, tenant, rental agent or storekeeper to ensure that all bulk containers, and the contents thereof, as provided for in this chapter, are emptied and managed in accordance with the provisions of this chapter.

Sec. 26-34. Sanitation service fees.

(a) Each business in the city shall be charged a fee as determined by city council of container capacity per pickup. This service charge will be implemented after the business has indicated in writing to the city that pickup service is desired, and the sanitation division manager approves the sufficiency of the containers.

(b) The service charge for all public activities, including hospitals, public schools, governmental agencies, and upon all religious nonprofit or charitable institutions, with the exception of the housing authority and the Gaffney Board of Public Works, shall be determined by city council.

(c) Additional charges may also be necessary if extra rollout carts are needed. A one-time charge for the cost of the rollout cart will be charged, as well as the service charge as determined by city council.

Sec. 26-35. Sufficient containers required at loading docks.

It shall be unlawful for any person or corporation maintaining a loading or unloading area to fail to provide refuse receptacles for loose debris, paper, packaging materials and other trash. Loading areas shall be kept free of litter at all times.

Secs. 26-36—26-58. Reserved.

ARTICLE III. COMMUNITY IMPROVEMENT AND LITTER CONTROL**Sec. 26-59. Unauthorized disposal.**

It shall be unlawful for any person to deposit household garbage or refuse in any litter receptacle maintained in a park, on a sidewalk, or at any other location for control of litter by motorists and pedestrians, or at any other unauthorized disposal site.

Sec. 26-60. Placing in receptacles to prevent scattering.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or upon private property.

Sec. 26-61. Compressing and disposal of boxes, containers, etc.

Cardboard boxes and other similar items placed on the sidewalks, streets or alleys for the purpose of being collected by the sanitation division will be broken down and securely fastened together and deposited so as not to impede traffic or be blown onto the street. Large boxes will be used as containers to hold the smaller broken-down boxes and all loose packing materials so stored in the boxes so that none of the debris is blown onto the sidewalk or street. No boxes, crates or other containers will be placed in any garbage receptacle in the city without being broken down, crushed or smashed into its own compact size.

Sec. 26-62. Restaurants and other business establishments.

(a) *Notice to remove.* The public works director or his designee is hereby authorized and empowered to notify the owner of any restaurant or other business establishment, or the agent of such owner, to dispose of litter on such property in accordance with the provisions of this chapter.

(b) *Action upon noncompliance.* Upon the failure, neglect or refusal of any owner or agent so notified, he will be issued a summons for violation.

Sec. 26-63. Property to be kept clean.

It shall be unlawful for any owner, agent, occupant, or lessee of property within the city to:

- (1) Deposit garbage in anything but flyproof, rodentproof and watertight containers.
- (2) Place garbage, refuse or trash, or cause the discharge of sewage into or upon any place, in such manner that transmission of infectious material to human beings may result therefrom.
- (3) Place outside of any building any discarded furniture, white goods, machinery, equipment, mattress, building material, or any accumulation of trash and refuse which is not completely enclosed within a building, except as allowed in section 26-31 for trash collection by the city.

- (4) Sweep or push litter from buildings, property or sidewalks into streets, sidewalks and storm drains. Sweepings shall be picked up and put into household or commercial containers.
- (5) Allow the accumulation of loose or trapped litter at such locations as fences, wall bases, grassy or planted areas, borders, embankments, or other similar collecting points. Owners, agents, occupants or lessees whose properties include a city right-of-way shall be responsible for keeping up to and including the curb and gutter or street line free of litter.

Sec. 26-64. Construction waste to be contained.

It shall be unlawful for any construction and/or demolition contractor to fail to control loose debris, paper, building material waste, scrap building material, employee lunch/coffee break discards, and other trash produced by those working on site. All such material shall be contained by the end of each working day and the site shall be kept in a reasonably clean and litter-free condition. The number and type of refuse receptacles, bulk containers, detachable containers, or other approved method of containing waste material shall be determined by the size of the job. Dirt, mud, construction materials, or other debris deposited upon any public or private property as a result of the construction or demolition shall be immediately removed by the contractor. Construction sites shall be kept orderly at all times.

Secs. 26-65—26-88. Reserved.

ARTICLE IV. DUMPING AND LANDFILLING

Sec. 26-89. Certain materials prohibited.

It shall be unlawful for any person to dump, deposit or fill on any land in the city the following materials, which shall be dumped and deposited in a landfill certified by the state department of health and environmental control:

- (1) Putrescible waste, such as residential garbage, commercial food processing waste, etc.
- (2) Discarded furniture, appliances, auto tires, vehicles, etc.
- (3) Materials which create conditions allowing the harborage or breeding of vectors and rodents.
- (4) Hazardous waste (solids or liquids).

Sec. 26-90. Permit required.

It shall be unlawful for any person to fill any land or dump any materials on any property in the city without first obtaining a permit from the building official. The applicant shall submit a plan showing the filling procedure which should include:

- (1) A grading plan of acceptable scale showing existing and proposed contours.

- (2) A cross section through the fill site showing depths of fill material and cover material.
- (3) Provisions of control of stormwater runoff.
- (4) Provisions for control of access by proper fencing and gating.
- (5) Provision for control of soil erosion and sedimentation.
- (6) A registered professional engineer, land surveyor or landscape architect may be required to prepare the plan, depending on the acreage of land disturbance.

Sec. 26-91. Conditions generally.

(a) Inert materials, such as construction debris, lumber, trees, stumps, brush, rubble, etc., may be disposed of as follows: all dumping and filling shall be made in such a manner that the surrounding community and environment will be protected from unreasonable noise, dirt and odors.

(b) Dumping or filling over sanitary or storm sewers is prohibited without providing such protection to the pipes and system as is required and approved by the appropriate agency.

(c) No natural surface drainage will be altered to such an extent that the adjacent or adjoining property owners will be adversely affected.

Sec. 26-92. Prohibited in floodplain.

Filling or dumping is prohibited at any place within the floodplain, as shown on the zoning maps of the city; provided, however, that upon written application and upon showing that such dumping or filling in the floodplain will have no adverse effect upon the public or surrounding property, the zoning board of adjustment and appeals may grant a special exception on conditions prescribed by it.



Chapter 27

RESERVED

